

REMARKS

Claims Rejection Under 35 USC – 103

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Thayer et al** (6,131,209) in view of **Beames** (D 466,543).

Thayer et al discloses eyewear comprises solid frames 60 having a lens; said frame 60 consisting of a one piece solid molded frame; said frames having a nose bridge which fits on top of a users nose; said frames secured around a user's head by a single band 52; said band 52 secured to said frames 60 by two securing pieces wherein said band 52 is removed from said frame by either or both of said securing pieces wherein Velcro is used for both securing pieces; wherein said band 52 can be totally removed from said frames and replaced with other similar bands. (see at least figure 5 and the related disclosure.)

Thayer et al teach a single lens in the frame, Thayer et al does not teach that a pair of lenses as that claimed by Applicant.

Thayer teaches an eyewear cleaning apparatus which utilizes a flexible retaining band which has ends which engage and retain eyewear. A selectively closeable compartment is positioned on the band intermediate the ends and contains a specialized lens cleaning cloth. Thayer teaches a device for keeping a lens cleaning cloth available with one's eyewear, to assure that the cloth is protected from dirt and contamination until needed, and to store the cloth. The invention relates to eyewear retaining bands used for carrying of eyeglasses about the head or neck of a user and provides a compartment positioned

intermediate between the ends of the retaining band and in which a lens cleaning cloth may be carried. Figure 5 shows the eyewear cleaning apparatus shown in use with a set of goggles. Figure 5 relates to the use of a set of protective goggles 60 of the type used for skiing and other activities. The embodiment 50 utilizes a flexible retaining band 52 which includes a compartment 54 positioned in the intermediate region between the ends 56 of the band and having an access aperture 58 to the interior compartment 54. The ends of the band engage the goggles 60 by passing through an upright slot 62 in the goggles frame 63 and then being secured to the band by a hook and pile closure.

Eyeglasses have long been designed with the general objective of correction the vision of the eye of the wears. Numerous designs of dual lens glasses and single lens glasses have been developed, differing only in aesthetic feature.

Beames, however, discloses the frames having a pair of lenses.

Because Thayer et al and Beames are both from the same field of endeavor, the purpose of aesthetic feature as disclosed by Beames would have been recognized as an art pertinent art of Thayer et al.

It would have been obvious, therefore, at the time the invention was made to a person having skill in the art to construct the eyeglasses frame, such as the one disclosed by Thayer et al, with a pair of lenses, such as disclosed by Beames for the purpose of aesthetic feature.

Claim 13 states that the sunglasses consist of solid frames having lenses, the frames consisting of a one-piece solid molded frame. The frames have a nose bridge and are secured around a users head by a single band. The band is secured to the frames by two securing pieces; each of which or both securing pieces can be removed from the frame.

Thayer as stated above does not teach multiple lenses. The embodiment referred to by the Examiner relates to goggles. Also Thayer requires a selectively closeable compartment positioned on the band intermediate the ends and contains a specialized lens cleaning cloth. Claim 13 uses consisting of language. Therefore Thayer does not make obvious the claims of the invention.

Beames discloses sunglasses. The sunglasses have a pair of lenses. Beames specifically shows in the figures that possibly only one securing piece can be opened and or removed from the frames. As shown Beames would not teach frames that are removable from the band. Further the only removable band taught by Thayer is one for goggles. The one shown in Thayer for glasses is totally different. Further, Thayer requires a compartment, which is taught away by the consisting of language of the claims. Therefore claim 13 is not obvious over Thayer in view of Beames.

Further with regard to claim 15 neither Thayer or Beames teaches that band can be totally removed from said frames and replaced with other similar bands.

Applicant believes the application is in condition for allowance.

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